

Patent 6,757,561

PATENT

IN UNITED STATES PATENT AND TRADEMARK OFFICE

Patent No.: 6,757,561 *B2*

Docket No: 1080.311US2

Issue Date: June 29, 2004

Patentee: Leo Rubin et al.

Customer No.: 21186

Confirmation No.: 7325

Title METHODS AND APPARATUS FOR TREATING FIBRILLATION AND
CREATING DEFIBRILLATION WAVEFORMS

REQUEST FOR CERTIFICATE OF CORRECTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
ATTN: CERTIFICATE OF CORRECTION BRANCH

It is requested that a Certificate of Correction be issued correcting printing errors appearing in the above-identified United States patent. Two copies of the text of the Certificate in the suggested form are enclosed.

This request is based on the erroneous omission, in the issued U.S. Patent No. 6,757,561 of claims 64-70, 77-78, 94, 97-98 that were submitted in Applicant's Amendment Under 37 CFR 1.312 dated 3/25/2004, which were indicated as being allowable in the Supplemental Notice of Allowability dated 5/10/2004, copies of both of which are attached. These erroneously omitted claims are presented in the attached requested Certificate of Correction as new claims 39-50.

This request is also based on certain errors in claims 7-11 and 44-48, as indicated in the attached requested Certificate of Correction.

Issuance of the Certificate of Correction would neither expand nor contract the scope of the claims as properly allowed, and re-examination is not required.

As the error is that of the Patent Office, it is believed that no fee is due.

The Examiner is authorized to charge any additional fees or credit overpayment to Deposit Account No.19-0743.

CERTIFICATE OF CORRECTION

Patent Number: 6,757,561

Filing Date: December 22, 2003

Title: METHOD AND APPARATUS FOR TREATING FIBRILLATION AND CREATING DEFIBRILLATION WAVEFORMS

Page 2

Dkt: 1080.3111US2


Respectfully Submitted

LEO RUBIN ET AL.

By their Representatives,

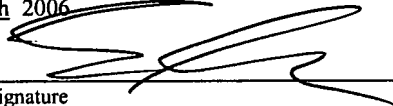
SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938
Minneapolis, MN 55402
(612) 373-6900

Date : March 28, 2006

By: 
Suneel Arora
Reg. No: 42,267
SA:CMG:mds

CERTIFICATE UNDER 37 CFR § 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450, on this 28 day of March 2006.

Eric Olson
Name


Signature

APR 04 2006

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(Also Form PTO-1050)

UNITED STATES PATENT AND TRADEMARK OFFICE CERTIFICATE OF CORRECTION

PATENT NO : 6,757,561 *62*

Page (1) of 3

DATED : June 29, 2004

INVENTOR(S) : Rubin et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

In column 20, lines 39-53, Delete

"7. The defibrillator, as set forth in claim 1, wherein the second positively sloped portion comprises a substantially linear slope.

8. The defibrillator, as set forth in claim 1, wherein the first positively sloped portion comprises a continuously decreasing slope.

9. The defibrillator, as set forth in claim 8, wherein the initial positive voltage magnitude is in a range from about 0 volts to about 400 volts.

10. The defibrillator, as set forth in claim 8, wherein the terminal positive voltage magnitude is in a range from about 0 volts to about 400 volts.

11. The defibrillator, as set forth in claim 8, wherein the initial negative voltage magnitude is in a range from about 0 volts to about -400 volts." and insert

- - 7. The defibrillator, as set forth in claim 1, wherein the first positively sloped portion comprises a continuously increasing slope.

8. The defibrillator, as set forth in claim 1, wherein the first positively sloped portion comprises a continuously decreasing slope.

9. The defibrillator, as set forth in claim 1, wherein the second positively sloped portion comprises a substantially linear slope.

10. The defibrillator, as set forth in claim 1, wherein the second positively sloped portion comprises a continuously increasing slope.

11. The defibrillator, as set forth in claim 1, wherein the second positively sloped portion comprises a continuously decreasing slope. - -, therefor.

In column 21, lines 7-17, Delete

"13. The defibrillator, as set forth in claim 8, wherein the first sloped portion comprises a positive slope.

14. The defibrillator, as set forth in claim 13, wherein the first sloped portion comprises a substantially linear slope.

15. The defibrillator, as set forth in claim 8, wherein the second sloped portion comprises a positive slope.

MAILING ADDRESS OF SENDER:

SCHWEGMAN, LUNDBERG, WOESSNER, & KLUTH, P.A.
P.O. BOX 2938
Minneapolis, MN 55402

Atty Docket No: I080.311US2

PATENT NO. 6,757,561

No. of additional copies



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UNITED STATES PATENT AND TRADEMARK OFFICE CERTIFICATE OF CORRECTION

PATENT NO : 6,757,561 *B2*

Page (2) of 3

DATED : June 29, 2004

INVENTOR(S) : Rubin et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

16. The defibrillator, as set forth in claim 15, wherein the second sloped portion comprises a substantially linear slope.

17. The defibrillator, as set forth in claim 8, wherein the waveform includes an interphase delay between the positive voltage phase and the negative voltage phase." and insert

- - 13. The defibrillator, as set forth in claim 12, wherein the initial positive voltage magnitude is in a range from about 0 volts to about 400 volts.

14. The defibrillator, as set forth in claim 12, wherein the terminal positive voltage magnitude is in a range from about 0 volts to about 400 volts.

15. The defibrillator, as set forth in claim 12, wherein the initial negative voltage magnitude is in a range from about 0 volts to about -400 volts.

16. The defibrillator, as set forth in claim 12, wherein the terminal negative voltage magnitude is in a range from about 0 volts to about -400 volts.

17. The defibrillator, as set forth in claim 12, wherein the first sloped portion comprises a positive slope. - -, therefor.

In column 22, line 35, below "phase." insert

- - 39. A method of generating a biphasic defibrillation waveform comprising the acts of: generating a positive voltage phase having an initial positive voltage having a magnitude greater than zero volts and having a first sloped portion extending from the initial positive voltage to a terminal positive voltage having magnitude greater than or equal to zero volts, the positive phase waveform shape independently selectable from a first set of waveform shapes; and generating a negative voltage phase having an initial negative voltage having a magnitude less than or equal to zero volts extending from the terminal positive voltage of the positive voltage phase, the negative voltage phase having a second sloped portion extending from the initial negative voltage to a terminal negative voltage having a magnitude less than or equal to zero volts, the negative phase waveform shape independently selectable from a second set of waveform shapes.

MAILING ADDRESS OF SENDER:

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Atty Docket No: 1080.311US2

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UNITED STATES PATENT AND TRADEMARK OFFICE CERTIFICATE OF CORRECTION

PATENT NO : 6,757,561 *B2*

Page (3) of 3

DATED : June 29, 2004

INVENTOR(S) : Rubin et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

40. The method, as set forth in claim 39, wherein the initial positive voltage magnitude is in a range from about 0 volts to about 400 volts.
41. The method, as set forth in claim 39, wherein the terminal positive voltage magnitude is in a range from about 0 volts to about 400 volts.
42. The method, as set forth in claim 39, wherein the initial negative voltage magnitude is in a range from about 0 volts to about -400 volts.
43. The method, as set forth in claim 39, wherein the terminal negative voltage magnitude is in a range from about 0 volts to about -400 volts.
44. The method, as set forth in claim 39, wherein the first sloped portion comprises a positive slope.
45. The method, as set forth in claim 39, wherein the first sloped portion comprises a substantially linear slope.
46. The method, as set forth in claim 39, wherein the second sloped portion comprises a positive slope.
47. The method, as set forth in claim 46, wherein the second sloped portion comprises a substantially linear slope.
48. The defibrillator, as set forth in claim 17, wherein the first sloped portion comprises a continuously decreasing positive slope.
49. The defibrillator, as set forth in claim 25, wherein the second sloped portion comprises a continuously increasing positive slope.
50. The defibrillator, as set forth in claim 25, wherein the second sloped portion comprises a continuously decreasing positive slope. - -.

MAILING ADDRESS OF SENDER:

SCHWEGMAN, LUNDBERG, WOESSNER, & KLUTH, P.A.
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Atty Docket No: 1080.311US2

PATENT NO. 6,757,561

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APR 04 2006

UNITED STATES PATENT AND TRADEMARK OFFICE CERTIFICATE OF CORRECTION

PATENT NO : 6,757,561

B2 09/96623

Page (1) of 1

DATED : June 29, 2004

INVENTOR(S) : Leo Rubin et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

In column 22, line 14, in claim 31, after "second" delete "positively".

In column 22, line 17, in claim 32, after "second" delete "positively".

In column 22, lines 19-31, below "slope." delete

"33. The defibrillator, as set forth in claim 12, wherein the first sloped portion comprises a negative slope.

34. The defibrillator, as set forth in claim 12, wherein the first sloped portion comprises a continuously increasing negative slope.

35. The defibrillator, as set forth in claim 12, wherein the second sloped portion comprises a negative slope.

36. The defibrillator, as set forth in claim 35, wherein the second sloped portion comprises a substantially linear negative slope.

37. The defibrillator, as set forth in claim 35, wherein the second sloped portion comprises a continuously increasing negative slope."

Delete claims 48-50 (as presented in the Certificate of Correction dated June 29, 2004) as:

"48. The defibrillator, as set forth in claim 17, wherein the first sloped portion comprises a continuously decreasing positive slope.

49. The defibrillator, as set forth in claim 25, wherein the second sloped portion comprises a continuously increasing positive slope.

50. The defibrillator, as set forth in claim 25, wherein the second sloped portion comprises a continuously decreasing positive slope."

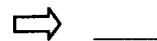
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Atty Docket No: 1080.311US2

PATENT NO. 6,757,561

No. of additional copies



UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 6,757,561 B2
APPLICATION NO. : 09/966233
DATED : June 29, 2004
INVENTOR(S) : Rubin et al.

Page 1 of 1

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Column 20, lines 39-53, should read

- 7. The defibrillator, as set forth in claim 1, wherein the first positively sloped portion comprises a continuously increasing slope.
- 8. The defibrillator, as set forth in claim 1, wherein the first positively sloped portion comprises a continuously decreasing slope.
- 9. The defibrillator, as set forth in claim 1, wherein the second positively sloped portion comprises a substantially linear slope.
- 10. The defibrillator, as set forth in claim 1, wherein the second positively sloped portion comprises a continuously increasing slope.
- 11. The defibrillator, as set forth in claim 1, wherein the second positively sloped portion comprises a continuously decreasing slope. --, therefor.

Column 21, lines 7-17,

- 13. The defibrillator, as set forth in claim 12, wherein the initial positive voltage magnitude is in a range from about 0 volts to about 400 volts.
- 14. The defibrillator, as set forth in claim 12, wherein the terminal positive voltage magnitude is in a range from about 0 volts to about 400 volts.
- 15. The defibrillator, as set forth in claim 12, wherein the initial negative voltage magnitude is in a range from about 0 volts to about -volts.
- 16. The defibrillator, as set forth in claim 12, wherein the first sloped portion comprises a positive slope. --, therefor.

Column 21, lines 7-17

- 13. The defibrillator, as set forth in claim 12, wherein the initial positive voltage magnitude is in a range from about 0 volts to about 400 volts.
- 14. The defibrillator, as set forth in claim 12, wherein the terminal positive voltage magnitude is in a range from about 0 volts to about 400 volts.
- 15. The defibrillator, as set forth in claim 12, wherein the initial negative voltage magnitude is in a range from about 0 volts to about -400 volts.
- 16. The defibrillator, as set forth in claim 12, wherein the terminal negative voltage magnitude is in a range from about 0 volts to about -400 volts.
- 17. The defibrillator, as set forth in claim 12, wherein the first sloped portion comprises a positive slope. --, therefor.

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 6,757,561 B2
APPLICATION NO. : 09/966233
DATED : June 29, 2004
INVENTOR(S) : Rubin et al.

Page 2 of 2

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Column 22,

Line 35, below "phase." insert

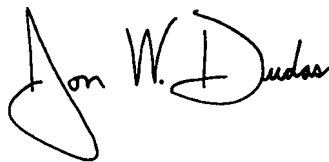
-- 39. A method of generating a biphasic defibrillation waveform comprising the acts of:
Generating a positive voltage phase having an initial positive voltage having a magnitude greater than zero volts and having a first sloped portion extending from the initial positive voltage to a terminal positive voltage havin magnitude greater gthan or equal to zero volts, the positive phase waveform shape independently selectable from a first set of waveform shapes; and generating a negative voltage phase having an intial negative voltage having a magnitude less than or equal to zero volts extending from the terminal positive voltage of the positive voltage phase, the negative voltage phase having a second sloped portion extending from the initial negative voltage to a terminal negative voltage having a magnitude less than or equal to zero volts, the negative phase waveform shape independently selectabke from a second set of waveform shapes.

40. The method, as set forth in claim 30, wherein the initial positive voltage magnitude is in a range from about 0 volts to about 400 volts.

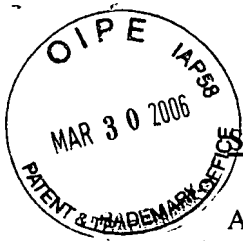
41.

Signed and Sealed this

Eleventh Day of July, 2006

A handwritten signature in black ink, appearing to read "Jon W. Dudas". The signature is stylized with a large, looped initial "J" and a distinct "D".

JON W. DUDAS
Director of the United States Patent and Trademark Office



COPY

US/N 09/966233

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Leo Rubin et al.	Examiner:	Jeffrey Jastrzab
Serial No.:	09/966,233	Group Art Unit:	3762
Filed:	September 28, 2001	Docket:	1080.311US2
Title:	METHODS AND APPARATUS FOR TREATING FIBRILLATION AND CREATING DEFIBRILLATION WAVEFORMS		

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT UNDER 37 C.F.R. § 1.312(a)

In response to the Notice of Allowance and Notice of Allowability mailed February 6, 2004, please amend as follows:

IN THE CLAIMS

Please amend the claims as follows:

1. (Previously Presented) A defibrillator comprising:
a biphasic voltage waveform generator circuit, the circuit generating a waveform that includes:
a positive voltage phase beginning at about zero volts and having an initial positive voltage magnitude greater than zero volts, the positive voltage phase having a first positively sloped portion extending from the initial positive voltage magnitude to a maximum positive voltage magnitude greater than the initial positive voltage magnitude; and
a negative voltage phase having an initial maximum negative voltage magnitude less than zero volts extending from the maximum positive voltage magnitude of the positive voltage phase, the negative voltage phase having a second positively sloped portion extending from the initial maximum negative voltage magnitude to a terminal negative voltage magnitude less than the initial maximum negative voltage magnitude.
2. (Previously Presented) The defibrillator, as set forth in claim 1, wherein the initial positive voltage magnitude is in a range from about 0 volts to about 50 volts.
3. (Previously Presented) The defibrillator, as set forth in claim 1, wherein the maximum positive voltage magnitude is in a range from about 200 volts to about 400 volts.
4. (Previously Presented) The defibrillator, as set forth in claim 1, wherein the initial maximum negative voltage magnitude is in a range from about -200 volts to about -400 volts.
5. (Previously Presented) The defibrillator, as set forth in claim 1, wherein the terminal negative voltage magnitude is in a range from about -50 volts to about 0 volts.

6. (Previously Presented) The defibrillator, as set forth in claim 1, wherein the first positively sloped portion comprises a substantially linear slope.
7. (Currently Amended) The ~~waveform~~ defibrillator, as set forth in claim 1, wherein the first positively sloped portion comprises a continuously increasing slope.
8. (Currently Amended) The ~~waveform~~ defibrillator, as set forth in claim 1, wherein the first positively sloped portion comprises a continuously decreasing slope.
9. (Previously Presented) The defibrillator, as set forth in claim 1, wherein the second positively sloped portion comprises a substantially linear slope.
10. (Currently Amended) The ~~waveform~~ defibrillator, as set forth in claim 1, wherein the second positively sloped portion comprises a continuously increasing slope.
11. (Currently Amended) The ~~waveform~~ defibrillator, as set forth in claim 1, wherein the second positively sloped portion comprises a continuously decreasing slope.
- 12-42. (Canceled)
43. (Previously Presented) A defibrillator comprising:
- a biphasic voltage waveform generator circuit, the circuit generating a waveform that includes:
 - a positive voltage phase having an initial positive voltage having a magnitude greater than or equal to zero volts and having a first sloped portion extending from the initial positive voltage to a terminal positive voltage having magnitude greater than or equal to zero volts, the positive phase waveform shape independently selectable from a first set of waveform shapes; and
 - a negative voltage phase having an initial negative voltage having a magnitude less than or equal to zero volts extending from the terminal positive voltage of the

positive voltage phase, the negative voltage phase having a second sloped portion extending from the initial negative voltage to a terminal negative voltage having a magnitude less than or equal to zero volts, the negative waveform shape independently selectable from a second set of waveform shapes.

44. (Previously Presented) The defibrillator, as set forth in claim 43, wherein the initial positive voltage magnitude is in a range from about 0 volts to about 400 volts.

45. (Previously Presented) The defibrillator, as set forth in claim 43, wherein the terminal positive voltage magnitude is in a range from about 0 volts to about 400 volts.

46. (Previously Presented) The defibrillator, as set forth in claim 43, wherein the initial negative voltage magnitude is in a range from about 0 volts to about -400 volts.

47. (Previously Presented) The defibrillator, as set forth in claim 43, wherein the terminal negative voltage magnitude is in a range from about 0 volts to about -400 volts.

48. (Previously Presented) The defibrillator, as set forth in claim 43, wherein the first sloped portion comprises a positive slope.

49. (Previously Presented) The defibrillator, as set forth in claim 48, wherein the first sloped portion comprises a substantially linear slope.

50. (Currently Amended) The ~~waveform~~ defibrillator, as set forth in claim 48, wherein the first sloped portion comprises a continuously increasing slope.

51. (Currently Amended) The ~~waveform~~ defibrillator, as set forth in claim 48, wherein the first sloped portion comprises a continuously decreasing slope.

52. (Currently Amended) The ~~waveform~~ defibrillator, as set forth in claim 43, wherein the first sloped portion comprises a negative slope.
53. (Currently Amended) The ~~waveform~~ defibrillator, as set forth in claim 52, wherein the first sloped portion comprises a substantially linear slope.
54. (Currently Amended) The ~~waveform~~ defibrillator, as set forth in claim 52, wherein the first sloped portion comprises a continuously increasing slope.
55. (Currently Amended) The ~~waveform~~ defibrillator, as set forth in claim 52, wherein the first sloped portion comprises a continuously decreasing slope.
56. (Previously Presented) The defibrillator, as set forth in claim 43, wherein the second sloped portion comprises a positive slope.
57. (Previously Presented) The defibrillator, as set forth in claim 56, wherein the second sloped portion comprises a substantially linear slope.
58. (Currently Amended) The ~~waveform~~ defibrillator, as set forth in claim 56, wherein the second positively sloped portion comprises a continuously increasing slope.
59. (Currently Amended) The ~~waveform~~ defibrillator, as set forth in claim 56, wherein the second positively sloped portion comprises a continuously decreasing slope.
60. (Currently Amended) The ~~waveform~~ defibrillator, as set forth in claim 43, wherein the second sloped portion comprises a negative slope.
61. (Currently Amended) The ~~waveform~~ defibrillator, as set forth in claim 60, wherein the second sloped portion comprises a substantially linear slope.

62. (Currently Amended) The ~~waveform~~ defibrillator, as set forth in claim 60, wherein the second positively sloped portion comprises a continuously increasing slope.

63. (Currently Amended) The ~~waveform~~ defibrillator, as set forth in claim 60, wherein the second positively sloped portion comprises a continuously decreasing slope.

64. (Previously Presented) A method of generating a biphasic defibrillation waveform comprising the acts of:

generating a positive voltage phase having an initial positive voltage having a magnitude greater than zero volts and having a first sloped portion extending from the initial positive voltage to a terminal positive voltage having magnitude greater than or equal to zero volts, the positive phase waveform shape independently selectable from a first set of waveform shapes; and generating a negative voltage phase having an initial negative voltage having a magnitude less than or equal to zero volts extending from the terminal positive voltage of the positive voltage phase, the negative voltage phase having a second sloped portion extending from the initial negative voltage to a terminal negative voltage having a magnitude less than or equal to zero volts, the negative phase waveform shape independently selectable from a second set of waveform shapes.

65. (Original) The method, as set forth in claim 64, wherein the initial positive voltage magnitude is in a range from about 0 volts to about 400 volts.

66. (Original) The method, as set forth in claim 64, wherein the terminal positive voltage magnitude is in a range from about 0 volts to about 400 volts.

67. (Original) The method, as set forth in claim 64, wherein the initial negative voltage magnitude is in a range from about 0 volts to about -400 volts.

68. (Original) The method, as set forth in claim 64, wherein the terminal negative voltage magnitude is in a range from about 0 volts to about -400 volts.
69. (Original) The method, as set forth in claim 64, wherein the first sloped portion comprises a positive slope.
70. (Original) The method, as set forth in claim 69, wherein the first sloped portion comprises a substantially linear slope.
71. (Withdrawn) The method, as set forth in claim 69, wherein the first sloped portion comprises a continuously increasing slope.
72. (Withdrawn) The method, as set forth in claim 69, wherein the first sloped portion comprises a continuously decreasing slope.
73. (Withdrawn) The method, as set forth in claim 64, wherein the first sloped portion comprises a negative slope.
74. (Withdrawn) The method, as set forth in claim 73, wherein the first sloped portion comprises a substantially linear slope.
75. (Withdrawn) The method, as set forth in claim 73, wherein the first sloped portion comprises a continuously increasing slope.
76. (Withdrawn) The method, as set forth in claim 73, wherein the first sloped portion comprises a continuously decreasing slope.
77. (Original) The method, as set forth in claim 64, wherein the second sloped portion comprises a positive slope.

78. (Original) The method, as set forth in claim 77, wherein the second sloped portion comprises a substantially linear slope.

79. (Withdrawn) The method, as set forth in claim 77, wherein the second positively sloped portion comprises a continuously increasing slope.

80. (Withdrawn) The method, as set forth in claim 77, wherein the second positively sloped portion comprises a continuously decreasing slope.

81. (Withdrawn) The method, as set forth in claim 64, wherein the second sloped portion comprises a negative slope.

82. (Withdrawn) The method, as set forth in claim 81, wherein the second sloped portion comprises a substantially linear slope.

83. (Withdrawn) The method, as set forth in claim 81, wherein the second positively sloped portion comprises a continuously increasing slope.

84. (Withdrawn) The method, as set forth in claim 81, wherein the second positively sloped portion comprises a continuously decreasing slope.

85-93. (Canceled)

94. (Previously Presented) The defibrillator, as set forth in claim 48, wherein the first sloped portion comprises a continuously decreasing positive slope.

95. (Previously Presented) The defibrillator, as set forth in claim 43, wherein the first sloped portion comprises a negative slope.

96. (Previously Presented) The defibrillator, as set forth in claim 43, wherein the first sloped portion comprises a continuously increasing negative slope.

97. (Previously Presented) The defibrillator, as set forth in claim 56, wherein the second sloped portion comprises a continuously increasing positive slope.

98. (Previously Presented) The defibrillator, as set forth in claim 56, wherein the second sloped portion comprises a continuously decreasing positive slope.

99. (Previously Presented) The defibrillator, as set forth in claim 43, wherein the second sloped portion comprises a negative slope.

100. (Previously Presented) The defibrillator, as set forth in claim 99, wherein the second sloped portion comprises a substantially linear negative slope.

101. (Previously Presented) The defibrillator, as set forth in claim 99, wherein the second sloped portion comprises a continuously increasing negative slope.

102. (Previously Presented) The defibrillator, as set forth in claim 43, wherein the waveform includes an interphase delay between the positive voltage phase and the negative voltage phase.

REMARKS

The Notice of Allowance and Notice of Allowability mailed on February 6, 2004 included an Examiner's Amendment canceling claims 7, 8, 10 – 42, 50 – 55, 58 – 63, 71 – 76, 79 – 84 and 95 – 101 as being “drawn to a non-elected embodiment, elected without traverse.” Applicant agrees that claims 12 – 42 are directed to a non-elected embodiment and, therefore, cancellation of claims 12 – 42 is proper. However, Applicant respectfully traverses the cancellation of claims 7, 8, 10 – 11, 50 – 55, 58 – 63, 71 – 76, 79 – 84 and 95 – 101, on the grounds that these claims were withdrawn in response to a species restriction, and that these claims are dependent on allowed generic claims. Applicant has amended certain of these claims for consistency with other claim amendments made previously during the prosecution of the already-allowed claims.

In sum, Applicant respectfully requests re-introduction and allowance of claims 7, 8, 10 – 11, 50 – 55, 58 – 63, 71 – 76, 79 – 84 and 95 – 101. Applicant further requests a Supplemental Notice of Allowability reflecting the reintroduction and allowance of these claims as well as the previously allowed claims.

Conclusion


Claims 7-8, 10-11, 50-55, 58-63 are amended herein. Claims 1-11, 43-84 and 94-102 are pending. It is respectfully submitted that these changes do not introduce new matter, and the claims are allowable without further search or consideration. Therefore, entry is appropriate under Rule 312, and is respectfully requested.

Respectfully submitted,

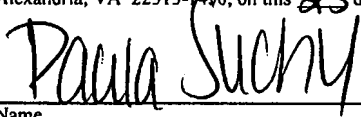
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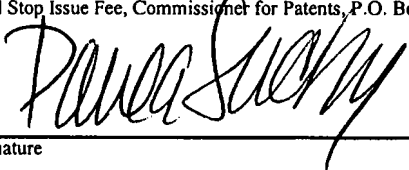
By their Representatives,

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P.O. Box 2938
Minneapolis, MN 55402
(612) 373-6951

Date March 25, 2004 By 
Suneel Arora
42,267

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 25 day of March, 2004.


Name


Signature



Receipt is hereby acknowledged for the following in the United States Patent and Trademark Office:

In re Patent Application of: Leo Rubin et al.
Title: METHODS AND APPARATUS FOR TREATING FIBRILLATION AND CREATING DEFIBRILLATION WAVEFORMS

Serial No.: 09/966233

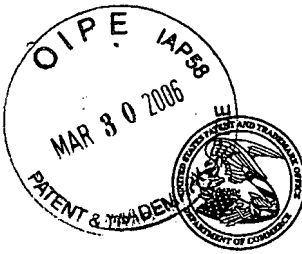
Filing Date: September 28, 2001

CONTENTS: An Amendment Under 37 C.F.R. 1.312(a) (11 Pages); a Return Postcard and TRANSMITTAL SHEET.

Mailed: March 25, 2004
SA/pms



Docket No.: 1080.311US2
Due Date: May 6, 2004



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/966,233	09/28/2001	Leo Rubin	1080.311US2	7325
21186 7590 05/10/2004				
SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A. P.O. BOX 2938 MINNEAPOLIS, MN 55402				
EXAMINER			JASTRZAB, JEFFREY R	
ART UNIT		PAPER NUMBER		
3762		9		

DATE MAILED: 05/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PORTFOLIO I.P.
MAY 13 2004
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SUPPLEMENTAL

Notice of Allowability

Application No.	Applicant(s)	
09/966,233	RUBIN ET AL.	
Examiner	Art Unit	
Jeffrey R. Jastrzab	3762	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--
All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Rule 312 amendment of 3/29/01.
 2. ☒ The allowed claim(s) is/are 1-11, 43-84 and 94-102.
 3. ☐ The drawings filed on _____ are accepted by the Examiner.
 4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: _____

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input checked="" type="checkbox"/> Other <u>resp. to 312</u> |

Jeffrey R. Jastrzab
Primary Examiner
Art Unit: 3762

5/4/4



Response to Rule 312 Communication

Application No.

09/966,233

Applicant(s)

RUBIN ET AL.

Examiner

Jeffrey R. Jastrzab

Art Unit

3762

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

1. ☒ The amendment filed on 3/29/04 under 37 CFR 1.312 has been considered, and has been:

a) ☒ entered.

b) ☐ entered as directed to matters of form not affecting the scope of the invention.

c) ☐ disapproved because the amendment was filed after the payment of the issue fee.

Any amendment filed after the date the issue fee is paid must be accompanied by a petition under 37 CFR 1.313(c)(1) and the required fee to withdraw the application from issue.

d) ☐ disapproved. See explanation below.

e) ☐ entered in part. See explanation below.

Jeffrey R. Jastrzab
Primary Examiner
Art Unit 3762